

Policy Board

Minutes of the Meeting of July 30, 2010

Administration Building

Conference Room B

One Capitol Hill

Providence, RI 02908

MEMBERS/DESIGNEES PRESENT:

Major Michael P. Quinn, Johnson & Wales University, (voting member), Chair

Mr. Anthony Ward-Smith, Justice Assistance, (designee of Jonathan Houston, voting member)

Mr. John Hardiman, R.I. Public Defender (voting member)

Director A.T. Wall, R.I. Department of Corrections (voting member)

Magistrate Joseph P. Ippolito, Jr. District Court of R.I. (designee of Chief Judge Jeanne LaFazia, voting member)

Ms. Marisa White, Supreme Court of R.I. and Superior Court of R.I. (designee of Chief

Justice Paul Suttell and Presiding Justice Alice Gibney, voting member with two votes)

Deputy Attorney General Gerald Coyne, R.I. Department of Attorney General(designee of Attorney General Patrick Lynch, voting member)

Colonel Brendan P. Doherty, R.I. State Police (voting member)

**Mr. Michael Burke, R.I. Department of Children, Youth, & Families
(designee of Director Patricia Martinez, voting member)**

Ms. Debra DeBare, R.I. Coalition Against Domestic Violence, (voting member)

Director Craig Stenning, R.I. Department of Behavioral Healthcare & Developmental

Disabilities, (voting member)

Mr. Robert O'Neil, Public Member, (voting member)

Mr. Anthony Robinson, R.I. House of Representatives

Ms. Lisa Holley, Esq., Legal Counsel, R.I. Department of Public Safety

Ms. Gina Caruolo, R.I. Department of Corrections (designee of Director A.T. Wall, after he leaves the meeting, voting member)

PUBLIC SAFETY GRANTS ADMINISTRATION OFFICE (PSGAO):

Mr. Thomas Mongeau, Administrative Manager

Ms. Elizabeth Gilheeney, Juvenile Justice Specialist

Mr. David LeDoux, Supervisor of Management Services

Ms. Gail Pereira, Grant Manager

1. Welcome: Major Michael P. Quinn, Chair:

Major Michael P. Quinn, Chair, welcomed everyone and opened the meeting at 8:46 a.m. The meeting began late because a quorum was not present. By the opening of the meeting, Major Quinn noted that there was now a quorum present.

2. Approval of April 28, 2010 Minutes:

(Attachment 1 to the original of these minutes) A motion was made by Deputy Attorney General Coyne:

TO ACCEPT THE MINUTES OF THE MEETING OF APRIL 28, 2010 AS PRESENTED.

The motion was seconded by Public Defender Hardiman.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

3. Discussion/Approval of FY 2010 National Criminal History Improvement Grant Program (NCHIP), Mr. Thomas Mongeau:

Mr. Mongeau provided the background on the NCHIP Program (Attachment 2). This year, Rhode Island will be receiving \$150,000. Ten percent (\$15,000) of the award will be retained by the PSGAO for administration. The Department of Corrections will receive \$40,800 for its INFANTS records management system. The R.I. Department of Attorney General will receive \$15,000 to clean criminal history files that do not match with FBI records. They will also receive \$3,000 to add mandatory fields in LiveScan. The Courts will receive \$10,000 for staff overtime/data entry. The R.I. State Police will receive \$66,200 to implement the NexTest testing and certification system for RILETS.

A motion was made by Public Defender Hardiman:

TO APPROVE THE NCHIP FUNDING RECOMMENDATIONS AS

PRESENTED.

The motion was seconded by Mr. O'Neil. There were recusals by Director Wall, Magistrate Ippolito, Ms. White, Deputy Coyne, and Colonel Doherty. There was no further discussion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE MEMBERS VOTING.

4. Discussion/Approval of FY 2010 State Justice Statistics Grant (SJS), Mr. Thomas Mongeau:

Mr. Mongeau stated that the SJS award will be used for the PSGAO webpage development and maintenance, statewide juvenile detention monitoring, deaths in custody monitoring, the yearly law enforcement resource survey, and the Advisory Committee for the Violent Deaths Reporting System. Ms. DeBare asked for a clarification on the timeframe for this grant. Mr. Mongeau replied that it runs October 1, 2010 to September 30, 2011. The dates on the handout are incorrect. In response to a question from Colonel Doherty, Mr. Mongeau stated that the PSGAO maintains these databases. Mr. Mongeau further explained that the deaths in custody are statistics that are collected for any deaths that occur during the arrest or custody of an individual. The PSGAO collects the data and forwards it to the Bureau of Justice Statistics (BJS). Mr. Mongeau said that each police department reports this information to the PSGAO on a monthly basis. Director Wall stated that the Department of Corrections also

collects this data and responds directly to BJS.

Deputy Coyne moved:

TO APPROVE THE FY 2010 STATE JUSTICE STATISTICS AWARD PROPSAL AS PRESENTED.

Public Defender Hardiman seconded the motion. There was no further discussion and no recusals.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

5. Discussion/Approval of FY 2010 Juvenile Justice & Delinquency Prevention Formula Grant Program: Elizabeth Gilheeney:

Ms. Gilheeney directed the Board's attention to the handout that outlines the 2010 Formula Grant (Attachment 4). She reviewed the various awards. There is \$60,000 for planning and administration, which requires a \$60,000 state match. The Advisory Group will receive \$20,000. There is \$60,000 set aside for compliance monitoring, \$10,000 for Native American Programs, and \$450,000 for the eleven programs listed at the bottom of Page 1. This is a total of \$600,000. She stated that the \$450,000 in delinquency prevention programs are recommended by the Advisory Group and are current sub-grantees. In response to a question from Magistrate Ippolito, Ms. Gilheeney explained that the Advisory Board and Ms. Gilheeney use the Advisory Group allocation to attend OJJDP-mandated

conferences. Any remaining funds are awarded to state-level sub-grantees. Mr. O'Neil asked about the line item for compliance monitoring, and Ms. Gilheeney responded that this is contracted out. Mr. Mongeau further explained that \$30,000 is contracted out for the compliance monitoring and some is used to supplement the salary of a PSGAO staff member to maintain the database, and any remaining funds are sub-granted to other programs. Ms. Gilheeney also stated that she monitors programs to ensure that they are using their funds appropriately.

Magistrate Ippolito moved:

TO APPROVE THE JUVENILE JUSTICE FORMULA GRANT FUNDING AS PRESENTED.

Mr. Ward-Smith seconded the motion. Ms. White recused herself.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THOSE MEMBERS VOTING.

6. Discussion/Approval of Juvenile Justice Accountability Block Grant, Elizabeth Gilheeney:

Ms. Gilheeney reported that the Block Grant award decreased this year. The three sub-grantees took the decrease in funds evenly. Rhode Island received a waiver to maintain funding at this level to support its activities. There is a 10 percent match required for

sub-grantees, however, they agreed to a higher match than the 10 percent. Ms. Gilheeney directed the Board's attention to the handout (Attachment5). This is second year funding in a three-year plan. The PSGAO retains 5 percent for administrative costs. Colonel Doherty asked about the juvenile gang unit. Deputy Coyne responded that the money funds a prosecutor's salary.

Magistrate Ippolito moved:

TO ACCEPT THE 2010 JUVENILE ACCOUNTABILITY BLOCK GRANT AS PRESENTED.

Mr. O'Neil seconded the motion. There were recusals from Public Defender Hardiman, Deputy Coyne, and Ms. White.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THOSE MEMBERS VOTING.

7. Discussion/Approval of Juvenile Justice Title V Delinquency Prevention Grant Program, Elizabeth Gilheeney:

Ms. Gilheeney reviewed the funding recommendations in the handout (Attachment 4, Page 2). The requirement of this grant program is that the funds be distributed to cities and towns. There was an increase in funding this year. A problem with the grant is that Central Falls was slated to receive \$40,349. In the first year of the program there were problems at the city level. None of their funds were expended,

there were no progress reports, and no financial reports. The PSGAO cannot document that the program has operated. Ms. Gilheeney has recently been in contact with them, although it took two months for someone to return her calls. The result is that the City has no vehicle to accept funds. Ms. Gilheeney spoke to her program representative in Washington, D.C. about this. She recommended awarding the funds to Safeway Charter School, which is located next to the community center that was originally awarded the funds. They work with same population of youth. The town is in dire straits financially, and has a high-risk population. The OJJDP representative will discuss this with a supervisor. If it is not allowed, then the entire amount would go to the program in East Providence, which they would use to expand their current program. The OJJDP representative will be in Rhode Island on August 10th and will have answer by then. Mr. Burke suggested the Board vote on the East Providence portion of the grant.

Magistrate Ippolito moved:

TO DEFER VOTING ON THE CENTRAL FALLS PORTION OF THE GRANT.

Ms. White seconded the motion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

Mr. Burke then moved:

TO APPROVE THE EAST PROVIDENCE AND PSGAO PORTIONS OF THE GRANT AS PRESENTED.

The motion was seconded by Deputy Coyne. There were no recusals.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

8. Discussion/Approval of Project Safe Neighborhoods Grant Program, Gail Pereira:

Ms. Pereira provided background information on the Project Safe Neighborhoods Grant Program. The goal of the program is to reduce gun violence in the City of Providence. There was an increase in funding this year by \$2,000. The money supports the street workers' program and Providence Police for investigation of gun and gang violence. These programs will continue. Deputy Coyne stated that the Attorney General is concerned about some of the people hired under the street worker program. Ms. Pereira explained that the program is run from the U.S. Attorney's Office. The PSGAO is strictly the administrative agency. The U.S. Attorney's Office is responsible for oversight of the program. Colonel Doherty asked if there is oversight with the police department money and if the U.S. Attorney's Office maintains oversight of Teny Gross' portion of the grant. Ms. Caruolo responded that the Providence Police has oversight for the street worker program. Deputy Coyne stated that a street worker was

hired, who was a convicted felon and was re-arrested while he was working as a street worker. He stated that when there are public funds being utilized, there needs to be oversight and accountability. Ms. Holley said that she spoke to DCYF regarding another issue with the Safe Streets Program and their management of a juvenile offender. There was an arrest of a street worker when he was with a juvenile, who was supposed to be home at the time. DCYF may pull out of the program because of this and because there is no oversight. Ms. Holley is concerned because the Policy Board is responsible for approval of the funding, yet there is no oversight.

It may be Tom Connell who manages the program for the U.S. Attorney's Office. Deputy Coyne recommended that this Board receive a clear understanding about this program. Magistrate Ippolito asked if, other than Part 2 G, is the balance of the program an issue. Major Quinn suggested deferring a vote on this until the September Policy Board meeting. Deputy Coyne is concerned about the person whose job it is to monitor this program. Director Wall said that there are a number of streams that fund that program, and this is one that is of concern to the Policy Board. He asked if the U.S. Attorney's Office is the pass-through agency or if they are the managers for the grant. Magistrate Ippolito said that there is a large direct award for this program, and this is only a small part of their money.

A VOTE ON THIS WILL BE DEFERRED TO THE SEPTEMBER POLICY BOARD MEETING.

9. Discussion of Planning Process for FY 2010 Edward Byrne Memorial Justice Assistance Grants, David LeDoux:

Mr. LeDoux explained that there was a large influx of money due to American Recovery and Reinvestment Act. Last year, the Steering Committee and Policy Board decided that these funds would only be sub-granted to state agencies. During legislative hearings, Representative Costantino asked why the funds were not advertised to the public. The PSGAO explained that this was the decision of the Policy Board. Representative Costantino asked for detailed information regarding the planning process, including votes taken. The PSGAO has not received any additional inquiries from him. This year the Steering Committee decided to fund currently operating programs and any remaining funds would go out to RFP. However, the Steering Committee realized that all 2010 funds would be needed by currently operating programs.

Director Wall stated that he needed to leave the meeting and that Ms. Gina Caruolo has his proxy for the Department of Corrections.

Mr. LeDoux reviewed the funding recommendation summary (Attachment 7). He stated that this is a transition year for the Byrne Formula Grant. The PSGAO will retain 10 percent for administration, 40 percent is allocated to local law enforcement, and 60 percent to state agencies. In 2010 there was an increase by 2 percent to pass through to local units of governments, which reduced the amount for

state agencies. A strategic planning process was begun, but the PSGAO did not create a specific strategic plan. For both formula and stimulus, there was \$3.7 million to offer out. The Steering Committee received 26 proposals and funded 15 projects. This year Byne lost \$900,000 in formula funds, and has \$665,000 for statewide projects. There was a discussion at the Steering Committee whether to go through another strategic planning process, including a new survey, to help the committee make decisions. The committee decided to request technical assistance from the National Criminal Justice Association (NCJA). This would be to develop a strategic plan to continue what was begun last year and to help guide the Steering Committee and the Policy Board for future years when the stimulus funding runs out.

In 2009, 15 Byrne programs were funded. Of the Formula Grant-funded programs, two of five have not used their money yet because they still had older money. With the stimulus-funded programs, eleven programs were funded and five of those have yet to begin their projects. This is due to paperwork that is required by the OERR. In addition, the State Purchasing Office did not approve the programs that fund new personnel/contractors being hired. There was also \$300,000 for CJIS recommended projects. These are also being held at OERR, because the office was not sure of the planning process utilized. In summary, five of eleven projects and the three CJIS projects have not begun because they have not been approved. Many of the programs were two-year programs, and one program was

a one-time project. The two projects at the RIMPTA are operating and spending their funds.

Several projects have begun and required some 2010 funds to operate past various dates. The Steering Committee asked the agencies to develop a budget based on when current money runs out and then how much money they would need to carry the program through to September 30, 2011. Mr. LeDoux reviewed the handout (Attachment 7). There is \$664,556 for the Steering Committee to program for statewide projects. The committee decided to use the same rationale it used for distribution of last year's funds; namely, for state agencies only. Box A on Page 1 of the handout was approved by the Steering Committee for currently funded projects. The Superior Court reduced the amount it requested, so other programs could also be funded. The Steering Committee also decided that any monies left over would be earmarked for one-time projects only. Box B on Page 1 is the local pass-through monies, including the under \$10K. The LEPC Chair, Chief George Kelley, and other chiefs met to decide on their portion of the Bynre/JAG Grant. They used a formula developed by Ms. Caruolo based on the census and Part 1 crimes. See last page for the breakdown of pass-through funds. There will be new census data for 2010, so this formula may change. The federal government also provides direct awards. This year, direct awards were made to 15 police departments. The formula is fair and equitable. Money can also be used for statewide discretionary projects. Those projects are the Attorney General's precious metals

database, in-service training, hate crimes training, a peer-to-peer support project at the Municipal Police Academy, and a new drunk driving training project at Rhode Island Mothers Against Drunk Drivers (MADD). There is also a multijurisdictional program, "Operation Cali" with West Warwick Police and three other police departments. This is being paid for with 2009 monies. The Chiefs will keep a small amount of money unallocated in case a program needs more money or if something comes up during year. Descriptions of projects are on the sheet provided on Attachment 7. Mr. LeDoux asked for questions.

Magistrate Ippolito commented that the PAC calendar was created 20 years ago. Today, District Court receives motions to dismiss because the toxicology reports have not been done. He asked the Chair and Administrator to look at this with the Attorney General for possible funding for the state toxicology lab. He stated that police departments do drug raids, but the Court cannot always receive the reports in a timely manner. He recommended consideration for funding in the future.

Magistrate Ippolito moved:

TO EXPLORE POSSIBLE FUNDING FOR THE STATE TOXICOLOGY LAB.

Mr. Burke seconded the motion. Under discussion, Mr. LeDoux

suggested that the LEPC may be able to consider this with their \$7,000 of unallocated funds.

In response to a question about recusals, Ms. Holley recommended voting on Box B on Page 1 as a whole and then looking at the funding in Box A on Page 1 for Corrections, Public Defender, State Crime Lab at URI, and Family Court. Each component of the Drug Court/Superior Court Program can be voted on by agency and when the vote is called, that particular agency receiving funds from the Drug Court cannot vote on that line item. She further explained that Colonel Doherty received an ethics opinion on voting at the Policy Board. The opinion was that Colonel Doherty could vote on Department of Public Safety issues. The Director of the Department of Administration has also issued a similar policy for Directors, whose agencies may receive money. She said it would be best to vote on each line item in Box A individually, and members can recuse themselves on their line item. The quorum is not affected in the case of recusals. Major Quinn recommended that it is time for the Policy Board to get an ethics opinion on this matter, because most of the members of the Policy Board work in the criminal justice system, and it hinders the work of the Board if members are of the opinion that they have to recuse themselves.

Magistrate Ippolito moved:

TO VOTE ON SECTION B AS A WHOLE AND VOTE ON

ADMINISTRATIVE FUNDS AND THEN VOTE ON EACH ITEM IN BOX A INDIVIDUALLY.

The motion was seconded by Mr. Burke. There were recusals from Mr. O'Neil and Deputy Coyne.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE MEMBERS VOTING.

Mr. Burke then moved:

TO APPROVE THE 10 PERCENT ADMINISTRATIVE COSTS FOR THE PUBLIC SAFETY GRANT ADMINISTRATION OFFICE IN THE AMOUNT OF \$138,393.

Deputy Coyne seconded the motion. There were no recusals.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

Magistrate Ippolito moved:

UNDER PART A ON PAGE 1, TO FUND THE RHODE ISLAND DEPARTMENT OF CORRECTIONS RE-ENTRY PROJECTS IN THE AMOUNT OF \$128,837.

The motion was seconded by Mr. Burke. Ms. Caruolo recused

herself.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE MEMBERS VOTING.

Deputy Coyne moved:

UNDER PART 1 ON PAGE 1, TO FUND THE RHODE ISLAND PUBLIC DEFENDER'S OFFICE COMMUNITY PARTNERSHIPS/ OUTREACH PROJECT IN THE AMOUNT OF \$31,868.

Mr. O'Neil seconded the motion. There was a recusal from Public Defender Hardiman.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE MEMBERS VOTING.

Mr. Burke moved:

TO APPROVE THE FUNDING FOR THE UNIVERSITY OF RHODE ISLAND STATE CRIME LAB TO SUPPORT A NIBIN TECHNICIAN IN THE AMOUNT OF \$23,801.

Public Defender Hardiman seconded the motion. There were no recusals.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

Public Defender Hardiman moved:

**TO APPROVE FUNDING FOR THE RHODE ISLAND FAMILY COURT
TO SUPPORT THE MENTAL HEALTH COURT IN THE AMOUNT OF
\$84,375.**

Director Stenning seconded the motion. Ms. White recused herself.

**THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE
MEMBERS VOTING.**

**Regarding the Superior Court Drug Court, Ms. White explained that
the Public Defender has \$70,000 in carry-over funds. Their allocation
for the Drug Court will be \$31,868.**

Mr. Burke moved:

**TO APPROVE FUNDING FOR THE PUBLIC DEFENDER FOR THE
SUPERIOR COURT DRUG COURT IN THE AMOUNT OF \$31,868.**

**Ms. DeBare seconded the motion. Public Defender Hardiman recused
himself.**

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE

MEMBERS VOTING.

Ms. White stated that the Attorney General's portion is \$85,000.

Mr. Burke moved:

**TO APPROVE FUNDING FOR THE ATTORNEY GENERAL'S OFFICE
FOR THE SUPERIOR COURT DRUG COURT IN THE AMOUNT OF
\$85,000.**

Colonel Doherty seconded the motion. Deputy Coyne recused himself.

**THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE
MEMBERS VOTING.**

**Ms. White stated that the Department of Corrections' portion of the
funding is \$85,000.**

Deputy Coyne moved:

**TO APPROVE FUNDING FOR THE DEPARTMENT OF CORRECTIONS
FOR THE SUPERIOR COURT DRUG COURT IN THE AMOUNT OF
\$85,000.**

Magistrate Ippolito seconded the motion. Ms. Caruolo recused

herself.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE MEMBERS VOTING.

Ms. White stated that the BHDD is requesting \$85,000 for their portion of the Drug Court.

Mr. Burke moved:

TO APPROVE FUNDING FOR BHDD FOR THE SUPERIOR COURT DRUG COURT IN THE AMOUNT OF \$85,000.

Colonel Doherty seconded the motion. Director Stenning recused himself.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE MEMBERS VOTING.

Ms.White stated that the Court is requesting \$70,687 for their portion of the Drug Court.

Public Defender Hardiman moved:

TO APPROVE FUNDING FOR THE COURTS FOR THE SUPERIOR COURT DRUG COURT IN THE AMOUNT OF \$70,687.

Deputy Coyne seconded the motion. Ms. White recused herself.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE OF THE MEMBERS VOTING.

10. New Business:

Major Quinn stated that at the last Policy Board meeting, the Board approved Mssr. Mongeau, LeDoux, and Major Quinn to attend the evidence-based conference in Philadelphia. They learned that the federal government will be requiring evidence-based programs and strategic planning in the future. They attended this meeting so the PSGAO can move forward with developing a new strategic plan.

Mr. Mongeau stated that there was a discussion and questions surrounding the planning process for the ARRA funds. Major Quinn added that there was a small window of time to plan, apply, and distribute the funds. He reiterated that everyone had a voice at the table during the planning process.

Mr. Mongeau explained how the Steering Committee arrived as its funding priorities. He also stated that at the suggestion of the Steering Committee, he reached out to the National Criminal Justice Association (NCJA) for technical assistance in the strategic planning process for future years' funding. NCJA provides this assistance at no cost to the states. They told Mr. Mongeau that the process would

take approximately six to eight months. As a result, the Steering Committee agreed to pursue this, but that there was not enough time for this year's planning process.

Ms. Holley asked if this will be a mandate for all federal programs in the future and if so, how would this affect VOCA, VAWA, etc. Will a strategic plan be developed strictly for the Byrne/JAG grant or for all grant programs. Mr. Mongeau stated that most of the grant programs have very focused areas and mandates. The Byrne/JAG program has seven broad program areas to suit the specific state's needs. They are stressing evidence-based planning to bring the programs into focus more. This planning could be applied to other programs, but the focus is very narrow in most other grant programs.

Mr. LeDoux added that for the OJJDP and VAWA programs, there was an intense strategic plan developed. Ms. Holley added that when talking about the street worker program issue, will strategic planning impact some of these programs where there may not be performance measures, etc. The Policy Board may want to look at all the grants as a whole during strategic planning process relative to evidence-based programming. Major Quinn stated that there are a number of entities, for example juvenile grants, that once this process begins we may be able to expand the strategic planning process

.

Mr. Burke asked when the other grants did their last strategic planning process and when will this begin again. Major Quinn

suggested bringing all the grant planners to the table as more information becomes available on the evidence-based planning process.

Mr. Burke moved:

TO APPROVE THE DEVELOPMENT OF A STRATEGIC PLAN WITH THE HELP OF NCJA.

Mr. O'Neil seconded the motion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.

11. Adjourn:

There being no further business, Deputy Coyne moved:

TO ADJOURN THE MEETING.

Colonel Doherty seconded the motion.

THE MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE, AND THE MEETING WAS ADJOURNED AT 10:00 A.M.

Respectfully submitted,

Barbara J. Laird

Recorder

Approved by:

Thomas Mongeau

Administrative Manager

Major Michael P. Quinn

Chair